

Doris Ullman Final 8-15-14dfu(10).txt

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1

2 UNITED STATES DISTRICT COURT

3 SOUTHERN DISTRICT OF NEW YORK

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4 CONGREGATION RABBINICAL COLLEGE OF
5 TARTIKOV, INC., RABBI MORDECHAI BABAD, RABBI
6 WOLF BRIEF, RABBI HERMEN KAHANA, RABBI MEIR
7 MARGULIS, RABBI GERGELY NEUMAN, RABBI MEILECH
8 MENCZER, RABBI JACOB HERSHKOWITZ, RABBI CHAIM
9 ROSENBERG, RABBI DAVID A. MENCZER, AND
10 RABBI ARYEH ROYDE,

11 Plaintiffs,

12 - against - CASE NO. 07-CV6304
13 (KMK)

14

15 VILLAGE OF POMONA, NY; BOARD OF TRUSTEES OF
16 THE VILLAGE OF POMONA, NY; NICHOLAS SANDERSON,
17 AS MAYOR; IAN BANKS AS TRUSTEE AND IN HIS
18 OFFICIAL CAPACITY, ALMA SANDERS ROMAN AS
19 TRUSTEE AND IN HER OFFICIAL CAPACITY, RITA
20 LOUIE AS TRUSTEE AND IN HER OFFICIAL CAPACITY,
21 AND BRETT YAGEL, AS TRUSTEE IN HIS OFFICIAL
22 CAPACITY,

23

Defendants.

-----X

24 DEPOSITION OF DORIS F. ULMAN, taken by
25 Plaintiffs, pursuant to Notice, at the offices of
Savad Churgin, 55 Old Turnpike Road, Suite 209,
Nanuet, New York, on Friday, August 15, 2014,
commencing at 10:02 a.m., before Chandra D. Brown,
a Registered Professional Reporter and Notary
Public within and for the State of New York.

26

27

28 SANDY SAUNDERS REPORTING
29 254 South Main Street, Suite 216
30 New City, New York 10956
31 (845) 634-7561

32

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2 A P P E A R A N C E S :

3

4 SAVAD CHURGIN
Attorneys for the Plaintiffs
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5 Doris Ullman Final 8-15-14dfu(10).txt
55 Old Turnpike Road, Suite 209
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6 By: DONNA C. SOBEL, ESQ.
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7

8
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18
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By: JOHN F. X. PELOSO, JR., ESQ.
21 E-mail: Jpeloso@rc.com
22

23 ALSO PRESENT:

24 Marci A. Hamilton
25

3

1 D. Ulman - 8/15/14
2 D O R I S U L M A N, called as a witness, having
3 been first duly sworn by a Notary Public of the
4 State of New York, was examined and testified
5 as follows:

6 EXAMINATION BY

7 MR. STEPANOVICH:

8 Q Ms. Ulman, you have indicated before, but
9 I just can't recall it, you have been the
10 village attorney for Pomona for how long?

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- 11 A Eleven years. Eleven years.
- 12 Q Okay.
- 13 And you were also the Village attorney for
- 14 New Hempstead?
- 15 A Yes, among others.
- 16 Q What were the years for New Hempstead?
- 17 A New Hempstead was 1984 to 2003. Almost 20
- 18 years.
- 19 Q And when you were the Village attorney
- 20 with New Hempstead, were you involved in --
- 21 A Let me backtrack. I was assistant Village
- 22 attorney first until 19 -- from '84 to 1990,
- 23 and I believe it was sometime in the early '90s
- 24 that I became the Village attorney.
- 25 Q And were you involved in any Zoning Code

4

- 1 D. Ullman - 8/15/14
- 2 revisions while you were the Village attorney
- 3 for New Hempstead?
- 4 A Probably.
- 5 Q And did any of those revisions include
- 6 laws regarding educational institutions?
- 7 A It might have. I don't recall
- 8 specifically.
- 9 Q What do you recall regarding any Zoning
- 10 Code amendments regarding educational
- 11 institutions?
- 12 A I really don't recall except for the fact
- 13 that the first mayor of New Hempstead -- under
- 14 the first mayor of New Hempstead, there were
- 15 quite a few local law changes, including

16 Doris Ullman Final 8-15-14dfu(10).txt
zoning, but I don't -- as I said, I was not the
17 Village attorney at that time, I was assistant,
18 and so I do not recall specifically what they
19 were.

20 Q What about zoning changes regarding
21 dormitory restrictions or regulations; were you
22 involved in any of those at the Village of New
23 Hempstead?

24 A I don't -- I don't believe the Village of
25 New Hempstead permits dormitories as part of

5

1 D. Ulman - 8/15/14
2 educational uses in their local law, or at
3 least not up until 2003. I don't know what the
4 law is today.

5 Q Was that a law that you had any
6 involvement in drafting?

7 A No.

8 Q No dormitory law?

9 A No. What I'm saying is they do not have
10 the law permitting dormitories in the Village
11 of New Hempstead.

12 Q So if I understand that correctly, then,
13 are dormitories prohibited in the Village of
14 New Hempstead?

15 A They were up until 2003.

16 Q Were you also the Village attorney for
17 Montebello?

18 A No.

19 Q Were you involved at all in any Zoning
20 Code amendments with the Village of Montebello?

21 A I have never worked for the Village of
Page 4

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22 Montebello.

23 Q How about the Village of Suffern; did you
24 ever work for them?

25 A Yes.

6

1 D. Ulman - 8/15/14

2 Q And when was that?

3 A In the Village of Suffern, I did special
4 counsel work. I was not a regular attorney.
5 If Mr. Riess had a conflict, I would be called
6 in to handle whatever that case was, whatever
7 that application was with the Planning Board.

8 The one I remember, the most recent, which
9 is probably about 10 years ago, was -- I think
10 it was an amendment to Ramapo Cirque,
11 C-I-R-Q-U-E, which is a fairly large housing
12 development in Suffern.

13 Q So you were -- were you involved in any
14 amendments to their Zoning Code?

15 A No.

16 Q And I believe you testified that you have
17 been the Village attorney for Wesley Hills?

18 A Assistant.

19 Q Assistant.

20 When was that?

21 A 1984 to the present.

22 Q In that capacity, have you been involved
23 in any amendments to Wesley Hills Zoning Code?

24 A No. My work in Wesley Hills is strictly
25 with the Zoning Board of appeals. I do not

7

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D. Ulman - 8/15/14

1

2 represent the Village Board.

3 Q Have you ever done any -- strike that.

4 I'm sorry.

5 Were you ever a Village attorney for

6 Airmont?

7 A No.

8 MR. STEPANOVICH: Off the record.

9 (Whereupon, an off-the-record discussion
10 was held.)

11 MR. STEPANOVICH: Back on.

12 BY MR. STEPANOVICH:

13 Q Then I take it you have not been involved
14 in any Zoning Code amendments in the Village of
15 Airmont?

16 A No.

17 Q Have you worked as a Village attorney for
18 Chestnut Ridge?

19 A Yes.

20 Q And what were the years?

21 A I was assistant Village attorney from 1986
22 to 1991, '92, at which time I became village
23 attorney, and I resigned in December 2012.

24 Q And in that capacity, were you ever
25 involved in any amendments to the Zoning Code

8

1 D. Ulman - 8/15/14

2 of Chestnut Ridge?

3 A Yes.

4 Q And did any of those amendments include
5 laws regarding educational institutions?

6 A I don't believe so.
Page 6

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7 Q Did any of those amendments include laws
8 regarding dormitory regulations?

9 A No. Those were in the original zoning law
10 that was adopted by the Board in 1987.

11 Q So the Village of Chestnut Ridge permits
12 dormitories?

13 A Oh, yes.

14 Q Okay.

15 So that I understand, you had no personal
16 involvement in any of those regulations
17 regarding dormitories; is that right?

18 A Well, yes, because at the very beginning
19 of the establishment of the Village in 1986, I
20 was part of the committee that worked on
21 developing the zoning law that was then to be
22 adopted as the first zoning law for the Village
23 of Chestnut Ridge. I was not the only person
24 on the committee.

25 As I recall, ^ Terry Rice was on it, a

9

1 D. Ulman - 8/15/14
2 couple of people who were to be on the Planning
3 Board and Zoning Board were on that committee,
4 but I was the -- Terry and I were the legal
5 components of that committee.

6 Q I think you testified that Chestnut Ridge
7 permits dormitories?

8 A Yes.

9 Q Do you know whether or not there is any
10 limitations on the size of dormitories in
11 Chestnut Ridge?

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12 A The only limitation is that there can only
13 be one dormitory building on a lot.
14 Q And is that dormitory building restricted
15 in terms of percentage of the --
16 A No.
17 Q The dormitories' rooms, do they provide
18 for separate cooking and housekeeping and
19 facilities?
20 A They do not. The dormitory provision in
21 Chestnut Ridge was taken directly from the
22 provision in the Town of Ramapo's zoning law.
23 It's almost identical, except that I believe
24 Ramapo does not have the restriction of one
25 building per lot.

10

1 D. Ullman - 8/15/14

2 Q Have you ever worked as a Village attorney
3 for Kaser?
4 A No.
5 Q Then I take it you had no involvement with
6 any of their zoning regulations; is that right?
7 A I did not.
8 Q What about the Village of New Square?
9 A Yes.
10 Q And in what capacity did you work for New
11 Square?
12 A I was Village attorney from 1990 until
13 about '96 or '7. And then I did not work for
14 them again until the year 2000, and I worked
15 from 2000 until 2007 or '8. No, wait. 2010.
16 I'm sorry.
17 Q And in those capacities, were you involved

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18 in any amendments to New Square's Zoning Code?

19 A Yes. Particularly during the period from
20 2000 to 2010 we did major revisions in the
21 zoning law. That's one of the reasons they
22 hired me.

23 Q And did any of those revisions include
24 laws regarding educational institutions?

25 A I don't believe so.

11

1 D. Ulman - 8/15/14

2 Q Did any of those revisions include laws
3 regarding dormitory regulations?

4 A No.

5 Q Does the Village of New Square permit
6 dormitories?

7 A I don't recall that portion of the zoning
8 law of the Village of New Square. I don't
9 know.

10 Q I think you also testified earlier that
11 you have been the Village attorney for Grand
12 View-on-Hudson?

13 A I still am.

14 Q And were you involved in any Zoning Code
15 amendments there?

16 A Yes.

17 Q Any amendments regarding educational
18 institutions?

19 A No.

20 Q Any amendments regarding dormitory
21 regulations?

22 A No.

23 Doris Ullman Final 8-15-14dfu(10).txt
Q Does Grand View-on-Hudson permit
24 dormitories?
25 A No.

12

1 D. Ulman - 8/15/14
2 Q Are there any villages that you have
3 served as a village attorney that I have not
4 mentioned?
5 A Yes.
6 Q Could you please tell me those.
7 A Spring Valley, South Nyack.
8 You just want Village attorney?
9 Q We'll start there.
10 A Okay.
11 How many have we covered so far?
12 Q We covered New Hempstead and Wesley Hills,
13 Chestnut Ridge, New Square, Suffern and now
14 you've indicated Spring Valley, South Nyack.
15 A And also covered Grand View. So that's
16 seven.
17 Q Grand View-on-Hudson.
18 A There were three more.
19 What did I say, South Nyack?
20 Q Yes.
21 A Those, and I also have done special
22 counsel work for the village of West
23 Haverstraw.
24 So Spring Valley, South Nyack and West
25 Haverstraw would make the ten. I've done 10 of

13

1 D. Ulman - 8/15/14
2 the 19 villages in Rockland County in one way
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3 or another.
4 Q When did you serve as Village attorney for
5 Spring Valley?
6 A Again, I started as Housing attorney in
7 1970 and I became Village attorney in 1975.
8 Q And in your capacity as Village attorney
9 at Spring Valley, were you involved in any
10 Zoning Code amendments?
11 A Probably.
12 Q Any amendments regarding educational
13 institutions?
14 A I don't think so, but I really don't
15 remember.
16 Q Any --
17 A Long time ago.
18 Q Any amendments regarding dormitory
19 restrictions?
20 A I don't think so.
21 Q Do you know whether or not dormitories are
22 permitted in Spring Valley?
23 A They probably are.
24 Q In your work as Village attorney for South
25 Nyack, were you involved in any Zoning Code

14

1 D. Ulman - 8/15/14
2 amendments?
3 A Yes.
4 Q Did any of those involve laws regarding
5 educational institutions?
6 A I don't believe so.
7 Q What about laws regarding dormitory

8 Doris Ullman Final 8-15-14dfu(10).txt
restrictions?

9 A I don't recall any changes. They do
10 permit dormitories.

11 Nyack College, for example, is in South
12 Nyack and they have many dormitories. They
13 have many dormitory buildings.

14 Q In your work as Village attorney for the
15 Village of West Haverstraw, were you involved
16 in any Zoning Code amendments?

17 A No. I only do special counsel work at
18 West Haverstraw, similar to Suffern. When
19 their Village attorney has a conflict, they
20 call me in for the Planning Board or the Zoning
21 Board.

22 The most recent one I had was the
23 desalination plant, desalination power project.
24 John Edwards, who is their Village attorney,
25 had a conflict and so they asked me to fill in

15

1 D. Ulman - 8/15/14
2 for him, and that was just maybe two or three
3 years ago.

4 Q Do you know whether or not the Village of
5 West Haverstraw permits dormitories?

6 A I really don't know.

7 Q Now, you had mentioned earlier if I just
8 wanted villages. Do you serve as a Town
9 attorney or in any other capacity for any
10 municipality?

11 A No.

12 Q So besides the villages that you just
13 recited, then you have not served any

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14 municipality in New York?

15 A I have. I worked for the City of New York
16 many, many years ago.

17 Q What capacity?

18 A Contractual.

19 Q Doing what kind of work?

20 A Our job was to rewrite the Administrative
21 Code of the City of New York in conjunction
22 with the recently adopted New York City
23 Charter.

24 Q Anywhere else?

25 A I have worked for the County of Rockland

16

1 D. Ulman - 8/15/14

2 as an assistant county attorney, primarily with
3 the Office of Community Development, and also
4 as counsel to the president of Rockland
5 Community College. That's not recent. That
6 was 15, 20 years ago, as was the City of New
7 York many, many years ago.

8 In my work with the Village of South Nyack
9 and the Village of Grand View-on-Hudson, I was
10 also the attorney for the -- they have a joint
11 police department which is a separate entity,
12 and I was attorney for the South Nyack/Grand
13 View police administration board for many
14 years.

15 I think those are the only municipality
16 positions I've held. I've done, of course, pro
17 bono work for some organizations but no
18 municipality.

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19 Q And we learned the other day that there
20 are no members of Preserve Ramapo, so are you a
21 friend of Preserve Ramapo?
22 A I do not use e-mail and so I have never --
23 other than what I've seen here during these
24 depositions, I have not seen any of their
25 websites nor do I get their communications.

17

1 D. Ulman - 8/15/14
2 I do know Bob Rhodes, of course. I've
3 known him for many years before he was involved
4 in Preserve Ramapo as well, when he was on the
5 Board in Wesley Hills, because I've worked for
6 Wesley Hills during that period. And I have
7 met Mike Casteluccio several times.
8 Q When did you find out about the Rabbinical
9 College of Tartikov purchasing the subject
10 property?
11 MR. PELOSO: Just when did she find out
12 when they purchased the property?
13 Q When did you become aware that the
14 Tartikov purchased the property?
15 A I don't recall.
16 Q Do you remember the year?
17 A No.
18 Q Do you recall when you realized that the
19 property was intended to be used for a
20 Rabbinical college?
21 A Probably when I learned of the purchase
22 because that's in the name. It would be quite
23 obvious that they wanted to use it for that
24 purpose as a Rabbinical college.

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25 Q And you don't remember when that was?

18

1 D. Ulman - 8/15/14

2 A I don't.

3 Q Now, you're familiar with the movement to
4 form Ladentown; is that right?

5 A Yes.

6 Q And you performed -- did you perform any
7 legal work for that movement?

8 A I did.

9 Q And can you explain what that was?

10 A I was asked in, I think it was 2006, to
11 handle the appeal of their lawsuit. Warren
12 Berbet was the attorney for the group during
13 the Supreme Court process and during the
14 petition process. I had no involvement during
15 that time. I didn't follow it at all. But
16 when Warren did not want to do the appeal, I
17 was asked to do it and I agreed to handle it
18 for them pro bono.

19 Q And you said you only got involved at the
20 appeal stage?

21 A Yes.

22 Q And do you know why Ladentown was seeking
23 to be incorporated?

24 A My understanding was that they did not
25 want the Patrick Farm property to be developed

19

1 D. Ulman - 8/15/14

2 as high density housing and the village, the
3 primary -- I don't know whether this is true or

4 Doris Ullman Final 8-15-14dfu(10).txt
not -- but it was my understanding that the
5 primary reason for the petition to incorporate
6 was to prevent down zoning of the Patrick Farm
7 property.

8 Q How long did you do work for Ladentown?

9 A The briefs were filed, I believe, in
10 either late 2006 or early 2007. That was it.
11 It was a very short period of time.

12 Q And when you were doing work for
13 Ladentown, did you work with any Pomona Village
14 officials in that regard?

15 A No.

16 Q Besides the work that you just described,
17 did you ever do any other work for the
18 Ladentown movement?

19 A No.

20 (Whereupon, the aforementioned document
21 beginning with Bates stamp POM0031222, was
22 marked as Plaintiffs' Exhibit 802 for
23 identification as of this date by the
24 reporter.)
25

20

1 D. Ulman - 8/15/14

2 BY MR. STEPANOVICH:

3 Q You've been handed Plaintiffs'
4 Exhibit 802, Ms. Ulman, and I ask if you can
5 identify it, please.

6 A (Witness views document.)

7 This is a letter that I sent to the Town
8 Board of the Town of Ramapo, to the attention
9 of Alan Berman, he's deputy Town attorney,

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10 dated January 19, 2010, concerning the Patrick
11 Farm final environmental impact statement.

12 Q Did you send this letter on behalf of the
13 Village of Pomona?

14 A I did.

15 Q So it was in your capacity as Village
16 attorney and authorized by the Village Board of
17 Trustees; is that right?

18 A That's correct.

19 Q That's all I have.

20 How long have you lived in Rockland
21 County?

22 A I moved to Rockland County in 1965.

23 Q And I'm sure Rockland County has changed
24 since 1965?

25 A Substantially.

21

1 D. Ulman - 8/15/14

2 Q Could you, in general, describe your
3 impressions of that change, please?

4 A Well, when I moved to Rockland County, we
5 lived on a 7-acre property. Across the street
6 was a small farm. Next to that was a chicken
7 farm. Across the street from that was a truck
8 farm, and right down the line on Pinebrook Road
9 in what is now the Village of Chestnut Ridge.
10 All of those farms are gone.

11 Q So development has increased, correct?

12 A Yes.

13 Q Are there any farms left?

14 A There are a couple. There's one right

15 Doris Ullman Final 8-15-14dfu(10).txt
near Pomona. In fact, it has a Pomona address
16 on Route 45 in the Town of Ramapo, and, in
17 fact, Ramapo bought the development rights to
18 that property so that would always remain a
19 farm, and they still farm to this day.

20 There's a farm in New City called the
21 Cropsey Farm. There are a couple of small
22 farms around. There was one on Camphill Road
23 in Pomona. That was a very small one. It was
24 kind of a community farm, but it's not there
25 anymore.

22

1 D. Ulman - 8/15/14

2 Yeah, we have about a half dozen, I would
3 say, still in the area.

4 Q So I'm sure traffic has increased?

5 A Traffic has increased. Population has
6 increased. Taxes have increased. When I moved
7 to the County, my 7-acre property paid \$500 in
8 property taxes. I can't imagine what they are
9 paying today.

10 Q You are familiar with -- strike that. I'm
11 sorry.

12 Are you familiar, Ms. Ulman, with
13 Orthodox, Hassidic Jews and their customs and
14 cultures?

15 A I'm familiar with the people. I am not
16 familiar with the customs and cultures, other
17 than I know they are very strict observants of
18 their religion.

19 Q When you say you're familiar with the
20 people, what do you mean by that?

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21 A I work with them, and I have worked with
22 them over the years.

23 Q Can you generally identify Orthodox,
24 Hassidic and individuals by their dress?

25 A Generally.

23

1 D. Ulman - 8/15/14

2 Q And could you describe that, please?

3 A Most of the men are bearded. The dress of
4 the Ultra Orthodox and Hassidic are generally
5 black trousers, long black coats, always with
6 their heads covered. Generally you'll see a
7 prayer or religious shawl of some kind that
8 they are wearing, and that's for the most part.

9 Some of them -- I think one of the
10 Hassidic sects have what are called peyos,
11 which are the curls on the side of the head.
12 That's pretty much...

13 Q Has the population of Orthodox and Jews
14 increased in Rockland County since you lived
15 here?

16 A Yes.

17 Q And is there any particular location where
18 that is incurring within Rockland County?

19 A Primarily in the Monsey, New Square, Kaser
20 areas, although you do see more and more
21 families in other areas of the county, in
22 Clarkstown, in Haverstraw and the Pomona area.
23 But the high concentrations are, I believe,
24 generally in Monsey, New Square and Kaser.

25 Q Did the Village of -- in your capacity as

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24

1 D. Ulman - 8/15/14

2 village attorney, do you have an opportunity to
3 review the census figures for Pomona?

4 A I have the opportunity if I take it.

5 Q And have you reviewed the census figures
6 for the Village of Pomona?

7 A I did in preparation for one of my answers
8 that was submitted. It's Exhibit --

9 MR. PELOSO: 800.

10 A -- 800.

11 I think one of the questions you asked me
12 during the 30(b)(6) was about the Hassidic
13 population in the Village of Pomona and I did
14 ask the clerk to pull and she faxed me all of
15 the census documents she had, and it turns out
16 there is no breakout of religion. They do have
17 breakouts of every race, I think there are five
18 or six, but there is no breakout of religion,
19 so there is no way of knowing what the Hassidic
20 population of Pomona is.

21 Q Is there any breakout for Jews?

22 A No.

23 Q Would Jews -- is there a breakout for --
24 is there an "other" classification in the
25 census figures for Pomona?

25

1 D. Ulman - 8/15/14

2 A I think there's an "other" of race, not of
3 religion. There is no religious -- of the
4 papers that we have in the Village, there may
5 be -- you know, the raw data may have

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6 additional information, but the census
7 information that we have in the village does
8 not list any population by religion.

9 Q Are you aware of any Hassidic families
10 living in Pomona?

11 A I don't know about Hassidic, ultra
12 Orthodox. I don't know the distinction between
13 Hassidic and Ultra Orthodox. I have seen, I
14 believe, there's a Shabbat up on the mountain,
15 because they have sent flyers to residents to
16 come to religious services, particularly their
17 high holy days. And I do see people walking on
18 Saturdays in the area. Not many. And I
19 believe Rabbi Richards is either Ultra Orthodox
20 or Hassidic, and he is the person of 12
21 Sherwood that we discussed the last time.

22 Q Do you read the Rockland County Journal
23 News?

24 A Unfortunately, yes.

25 Q And so that's where, contrary to Lenny

26

1 D. Ulman - 8/15/14

2 Jackson, that's where you get your news, right?

3 A I do. Right. He's lucky. I have to read
4 it.

5 Q And I think that we know by now that you
6 don't have Internet access so you don't go to
7 the loha.com?

8 A I have Internet access. I don't use
9 e-mail. I have never gone to loha.com.

10 Q So I take it you've never done any posting

11 Doris Ullman Final 8-15-14dfu(10).txt
or anything like that on there?

12 A No.

13 (Whereupon, the aforementioned document
14 beginning with Bates stamp POM0010567, was
15 marked as Plaintiffs' Exhibit 803 for
16 identification as of this date by the
17 reporter.)

18 BY MR. STEPANOVICH:

19 Q You've been handed, Ms. Ullman, Plaintiffs'
20 Exhibit 803 and I ask if you can identify this,
21 please.

22 A (Witness views document.)

23 These are invoices that I have submitted
24 to the Village of Pomona starting February 1,
25 2006, and it looks like it goes to December,

27

1 D. Ullman - 8/15/14
2 December 2006.

3 Q And these were produced for what purpose?

4 A It looks like it was for a request from
5 Mr. Savad's office.

6 Q And there are some redactions and --

7 A Yes.

8 Q And that looks also like these have been
9 produced to us by the Village of Pomona. So
10 the redactions are -- why are there redactions
11 is the question?

12 A The redactions would be any work that I
13 did of a privileged nature. I really can't
14 tell. We did a pretty good job. I can't tell
15 what's underneath, but it looks like they are
16 anything that might be privileged.

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- 17 Q I note on January 24, 2006, there's a TAC,
18 T-A-C, name?
19 A I don't have January.
20 Q On the first page of this exhibit.
21 A It's February 1.
22 Q Line item, it says "January 24, 2006"?
23 A I'm sorry. It says TAC meeting.
24 A Yes.
25 Q Could you provide for me the code, Pomona

28

- 1 D. Ullman - 8/15/14
2 code authority for TAC? Is such a meaning
3 provided for in the Pomona Zoning Code?
4 A I don't believe so.
5 Q And again, could you define what a TAC
6 meeting is, please?
7 A A TAC meeting is a technical advisory
8 committee meeting that is an arm of the
9 Planning Board. It consists of the Village
10 engineer, the Village planner, and the Village
11 attorney, and if a Planning Board member wishes
12 to attend, although I haven't -- might have
13 been one or two times that a Planning Board
14 member has attended but not often.
15 And the purpose of these meetings is for
16 the TAC committee to review the application
17 that's been submitted by the applicant,
18 question them as to some of the technical
19 aspects, determine whether the application is
20 complete.
21 The first meeting of TAC would be to

22 Doris Ullman Final 8-15-14dfu(10).txt
determine if the application is complete enough
23 to go to the Planning Board or whether
24 additional information is needed, and if the
25 applicant then goes on to the Planning Board,

29

1 D. Ulman - 8/15/14
2 the TAC committee makes -- issues a memorandum
3 to the Planning Board with its comments.
4 Comments could be that the application -- the
5 variances are needed for certain bulk
6 requirements. It's really any aid of the
7 Planning Board.
8 Q What does the TAC committee do that the
9 Planning Board doesn't do?
10 A It does not make decisions.
11 Q But it makes recommendations?
12 A Only to the Planning Board.
13 Q And does it do that in writing?
14 A Generally. Although all of us also attend
15 every Planning Board meeting and so we discuss
16 at the Planning Board meetings some of the
17 things that we -- some of the recommendations
18 that we made for TAC.
19 Q It sounds as if it's a duplication of
20 effort and I'm trying to understand the
21 distinction.
22 A No. What it is, it's really any aid to
23 the -- it really helps the applicant, because
24 if any application comes in, and let's say the
25 drainage information is incomplete, the

30

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2 engineer will tell the applicant what he needs
3 in order to review, to determine whether or not
4 there will be, whether or not he can accept the
5 drainage system that's been provided in the
6 application. The applicant has the opportunity
7 to do that before he goes to the Planning Board
8 so that when he gets to the Planning Board that
9 issue is not raised for the first time and it
10 helps speed up the process, if you will, and it
11 also gives the Planning Board a more complete
12 view of the application.

13 Similarly, let's say that there were bulk
14 variances needed for the application, the
15 applicant is told that at the TAC meeting so he
16 can prepare to make his application to the
17 Zoning Board as soon as he gets his negative
18 DEC from the Planning Board.

19 We also discuss any studies that, from a
20 technical point of view, we would recommend to
21 the Planning Board so that the applicants can
22 start working on those.

23 The planner will review the proposal and
24 say to the applicant, you know, where you
25 placed the parking is not so good, move it over

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1 D. Ulman - 8/15/14
2 a little bit, and we would, like, we're going
3 to recommend some landscaping between the
4 property lines. Has an opportunity to do that
5 and make those changes before it goes to public
6 hearing and before it goes to the Planning

7 Doris Ullman Final 8-15-14dfu(10).txt
Board, because we always try to hold the TAC
8 meetings with sufficient time before the
9 Planning Board meetings so that the changes
10 could be made and the public hearings can be
11 scheduled after the TAC meeting.

12 Q Is a TAC meeting held for every
13 application?

14 A Every application that goes to the
15 Planning Board must go to TAC in advance.

16 In addition, an applicant can ask to meet
17 with TAC and not submit an application to the
18 Planning Board, just send a letter with a
19 proposal and a plan, conceptual plan, and ask
20 TAC for -- the people that do that are
21 generally those who don't know the process in
22 the village, and they would come in and ask
23 what are the procedures and the process, what
24 do I have to do to move this along.

25 Q So the TAC is a -- if it's not authorized

32

1 D. Ulman - 8/15/14
2 by the Code of Pomona, then what is its --

3 A It's an advisory committee.

4 Q Now, I'm familiar with CDRC. What does
5 that stand for?

6 A Community design review committee. Ramapo
7 version of TAC.

8 Q Okay. So you've answered the question.
9 CDRC would be similar to a TAC?

10 A Right. Exactly.

11 Q And so coming back to 803, Ms. Ulman, as I
12 indicated, this was produced to us by Pomona.

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13 Do you have any reason -- have any idea
14 what this billing record was in response to?
15 A I know that there were many FOIL requests.
16 we produced hundreds and hundreds and hundreds
17 of documents to Mr. Savad's office in response
18 to FOIL requests, and I know he did ask for
19 copies of invoices, and that's why I said I
20 believe this was because every FOIL request
21 that comes in is sent to me by the clerk.
22 Q Then the redactions, again, on 803, you
23 say are because that work was privileged?
24 A Yeah. When I submit any invoice, so that
25 the village knows what I'm billing for, I will

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1 D. Ulman - 8/15/14
2 put down generally, you know, a sentence about
3 what work I actually did. And that's why it's
4 redacted. It's privileged.
5 (Whereupon, the aforementioned document
6 beginning with Bates stamp POM0010510, was
7 marked as Plaintiffs' Exhibit 804 for
8 identification as of this date by the
9 reporter.)

10 BY MR. STEPANOVICH:

11 Q You've been handed now 804, Ms. Ulman. If
12 you could review that, please.

13 A (Witness views document.)

14 Uhm-uhm.

15 Q Is this another one of your billing
16 records?

17 A (Witness views document.)

18 Doris Ullman Final 8-15-14dfu(10).txt
It is.

19 Q And it appears that everything during this
20 billing period was privileged?

21 A I believe this was given to you by
22 Counsel.

23 Q Yes.

24 A This was not in response to FOIL.

25 Q Okay.

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1 D. Ulman - 8/15/14

2 So that designation of attorney-client
3 privilege, that was not made by you?

4 MR. PELOSO: I can represent that Counsel
5 made the designation.

6 MR. STEPANOVICH: Okay.

7 (Whereupon, the aforementioned document
8 beginning with Bates stamp POM0008453, was
9 marked as Plaintiffs' Exhibit 805 for
10 identification as of this date by the
11 reporter.)

12 BY MR. STEPANOVICH:

13 Q You've been handed Plaintiffs'
14 Exhibit 805, Ms. Ulman, and I ask if you could
15 identify this, please.

16 A (Witness views document.)

17 This appears to be a letter to the
18 Rockland Journal News issued by a person by the
19 name of Phillip Nelson, 42 Harmony Road, Spring
20 Valley, New York, and he sent a copy to me and
21 to Michael Cline, the Town attorney of Ramapo.

22 Q It appears as if Mr. Nelson was suggesting
23 a -- I'm sorry. He made a suggestion to the

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24 village, and it appears as if he was suggesting
25 a -- suggesting to the Village.

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1 D. Ulman - 8/15/14

2 My question to you, Ms. Ulman, is, did
3 you, on behalf of the Village, ever respond to
4 Mr. Nelson?

5 A I did not.

6 Q Did you ever have any discussions with the
7 Board in terms of responding to Mr. Nelson?

8 A I did not.

9 Q That's all I have.

10 (Whereupon, the aforementioned document
11 Bates stamped POM17162, was marked as
12 Plaintiffs' Exhibit 806 for identification as
13 of this date by the reporter.)

14 BY MR. STEPANOVICH:

15 Q Handing you -- you've been handed,
16 Ms. Ulman, Plaintiffs' Exhibit 806, and can you
17 identify this, please.

18 A This looks like an e-mail from Alan Lamer
19 to the Board of Trustees in September 2006, the
20 Board of Trustees of the Village of Pomona,
21 with a request that it be sent to me as well.

22 Q And this is a notification that there was
23 a lawsuit, an RLUIPA lawsuit against the
24 Village of Suffern; is that correct?

25 A Yes.

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1 D. Ulman - 8/15/14

2 Q Do you recall Leslie Sanderson telling you

Doris Ullman Final 8-15-14dfu(10).txt
about that lawsuit?

A I believe a copy of this e-mail was faxed
to me.

Q And do you know why it was faxed to you?

MR. PELOSO: Just remember there is a
privilege as it relates to Counsel. So if you
can answer.

A Because it was an RLUIPA case.

Q And what significance did that have in
September of '06?

A I don't recall, other than that
discussions on RLUIPA were common during this
period and before, and it's every municipality
has to be aware of the RLUIPA cases. I had the
decision before Mr. Lamer sent this e-mail and
I had read it, had also been reported in the
newspaper and so I was familiar with the case.

Q You indicated there were discussions. Are
you talking discussions in front of the Pomona
Village Board regarding RLUIPA?

MR. PELOSO: Same instruction to the
witness.

A General discussions in the community.

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D. Ulman - 8/15/14

You must remember certain insurance
companies were refusing to provide officers and
directors liability coverage to some
municipalities in Rockland County, particularly
in Ramapo, because of RLUIPA.

Q And why was that?

A Because there were too many lawsuits going
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9 on.
10 Q Did they deny any --
11 A Many municipalities canceled their
12 coverage or did not renew their coverage with
13 NIMR, which is an excellent state insurance
14 chartered by the State of New York, because
15 NIMR was one of those companies that did not
16 provide officers and directors insurance for
17 communities in the Town of Ramapo. I think,
18 perhaps, throughout Rockland County.
19 Q Did that include --
20 A Because they didn't cover land use. They
21 refused to cover land use.
22 Q You're saying insurance companies refused
23 to cover lawsuits dealing with land use issues?
24 A Under their officers and directors
25 policies. Many of us left NIMR at that time

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1 D. Ulman - 8/15/14
2 and went to other companies which do provide
3 the coverage.
4 Q When you indicated they refused to provide
5 land use coverage, would that also include a
6 non-RLUIPA land use case?
7 A Yes. But the reason given was primarily
8 RLUIPA.
9 Remember, during this period the four
10 Villages against the Town of Ramapo was still
11 going on. The owners of properties were filing
12 discrimination claims against villages. There
13 was a lot going on at that time.

14 Doris Ullman Final 8-15-14dfu(10).txt
Q Is the Village covered by insurance in
15 this case?
16 A No.
17 (Whereupon, the aforementioned document
18 entitled "Village of Pomona Audio Tapes: 1 of
19 4", was marked as Plaintiffs' Exhibit 807 for
20 identification as of this date by the
21 reporter.)
22 BY MR. STEPANOVICH:
23 Q You have been handed, Ms. Ullman,
24 Plaintiffs' Exhibit 807 and ask if you have
25 seen this before?

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1 D. Ullman - 8/15/14
2 A (Witness views document.)
3 No.
4 Q I represent to you that this is a document
5 that we received from the Village's counsel
6 along with a CD of Village meetings, and I
7 believe it was in response to one of our
8 document demands.
9 A Uhm-uhm.
10 Q And I think you see it at the bottom of
11 this "Compiled by: Legal Presentations
12 Solutions."
13 A Yes.
14 Q Are you familiar with that company?
15 A No, I'm not.
16 Q I think during your 30(b)(6) deposition,
17 you had indicated that the Village meetings are
18 audibly recorded?
19 A Yes.

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20 Q And turning your attention to the last
21 page, midway down. I'm looking under the
22 column that says "File Name." That appears to
23 have the date of the meeting. And up and to
24 that point, it looks as if meetings have been
25 routine. Strike that.

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1 D. Ulman - 8/15/14

2 There appears to be no audiotape for the
3 meeting held on January 22, 2007. And my
4 question to you is, by reviewing this document,
5 do you agree that this document does not
6 reflect an audiotape for that meeting 1/22/07?

7 MR. PELOSO: Object to the form.

8 A It does not seem to reflect an audiotape
9 for that meeting.

10 Q And it also doesn't reflect an audiotape
11 for the March '07 meeting and April '07
12 meeting --

13 MR. PELOSO: Objection to form.

14 Q -- is that correct?

15 A That's correct.

16 Q And do you know why?

17 A No.

18 Q And do you know whether or not the audio
19 recording for January 22, '07 was preserved?

20 A It should have been.

21 Q Do you know if it was?

22 A I do not see the tapes. I can't say for
23 sure, but it's normal practice to preserve all
24 tapes.

25 Doris Ullman Final 8-15-14dfu(10).txt
Q What about the -- same question for the

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1 D. Ulman - 8/15/14
2 March '07 meeting. Do you know if that audio
3 was preserved?
4 A I would assume that it was.
5 Q And same question for April of '07, was
6 that preserved?
7 A It should have been.
8 Q So maybe counsel could shed some light.
9 MR. STEPANOVICH: John, do you have any
10 idea where those three audiotapes are?
11 MR. PELOSO: I can't comment at this time.
12 If you want to inquire, you can do that.
13 MR. STEPANOVICH: Off the record.
14 (Whereupon, an off-the-record discussion
15 was held.)
16 MR. STEPANOVICH: Back on the record.
17 The Plaintiffs have a video of the
18 January 22, 2007 meeting that we have agreed to
19 provide to Ms. Ulman for the purpose of viewing
20 and the ultimate purpose of authenticating that
21 that is the video of that meeting. And we were
22 going to do it today, and then, in interest of
23 time, Counsel for the Village has another
24 suggestion.
25 So, John, I'll let you do that.

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1 D. Ulman - 8/15/14
2 MR. PELOSO: We have agreed to -- we'll do
3 it another time. We'll accept the video.
4 We'll have Ms. Ulman review it and if it is

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5 authentic, we'll so indicate.

6 MR. STEPANOVICH: And we agree.

7 (Whereupon, the aforementioned document
8 Bates stamped POM17039, was marked as
9 Plaintiffs' Exhibit 808 for identification as
10 of this date by the reporter.)

11 BY MR. STEPANOVICH:

12 Q You've been handed, Ms. Ullman,
13 Plaintiffs' 808.

14 A (Witness views document.)

15 Yes.

16 Q And so the question -- I have a few
17 questions. It appears this e-mail is about the
18 minutes to the January 22, 2007 meeting; is
19 that right?

20 A Yes.

21 Q And Malverne -- who is that, please?

22 A Malverne Toll, T-O-L-L, is the person who
23 prepares the minutes for the Board of Trustees'
24 meeting and the workshops and the Board of
25 Trustees' workshops.

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1 D. Ullman - 8/15/14

2 Q And how does she take the minutes?

3 A She has two tape recorders and she takes
4 notes by hand.

5 Q And at the conclusion of the meeting, then
6 she compiles a draft of the minutes; is that
7 correct?

8 A That's correct.

9 Q She does that from the tape recorders and

10 Doris Ullman Final 8-15-14dfu(10).txt
her --
11 A -- and from her personal notes, yes.
12 Q And then could you explain the process of
13 what happens after that?
14 A Yes. The normal process is she -- she
15 prepares the draft. At this time, in 2007, it
16 would first -- the draft would go to the mayor
17 for his corrections and then his corrected
18 draft would come to me for my corrections.
19 Then it would go back to Malverne to make the
20 corrections and distribute to the Board members
21 for their approval at whatever the next meeting
22 would be.
23 Q And the -- what would the mayor base his
24 corrections on?
25 A Generally, it would be based on sentence

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1 D. Ullman - 8/15/14
2 structure, sometimes the minutes would be too
3 verbatim, and we don't do verbatim minutes, we
4 do summaries of what people say. And sometimes
5 the summary that would be used by Malverne
6 would not be accurate. So he would review them
7 for accuracy, for grammar, for -- these are
8 historical records, so they should be in fairly
9 good form, and duplication.
10 As a general rule, if somebody says the
11 sky is blue and then repeats it four times,
12 we're not going to put it four times in the
13 minutes because he said it once, and so that
14 would be what the mayor would be looking for.
15 It's what I would be looking for when I review

Doris Ullman Final 8-15-14dfu(10).txt

16 them.

17 Q Now, every speaker, though, at the public
18 hearing would be reflected in the minutes; is
19 that right?

20 A Generally, yes. At a public hearing, the
21 name and address of the person should be
22 reflected and a short statement as to what they
23 said, yes.

24 Q Now, you've indicated that accuracy was
25 one of the reasons the minutes were reviewed by

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1 D. Ullman - 8/15/14
2 you and the mayor; is that right?

3 A Yes.

4 Q And do you know what the mayor relied on
5 to determine accuracy?

6 MR. PELOSO: Are you talking about these
7 particular minutes?

8 MR. STEPANOVICH: This one, yes. Yes.
9 These particular minutes.

10 A Probably his memory.

11 Q And what about you, what did you rely on
12 to determine the accuracy of these minutes,
13 January 22, 2007?

14 A I very often take notes at the meetings
15 when I think something is said that's important
16 and that should be reflected in the minutes.
17 Not all the time. And generally from my memory
18 and the content of what's in the minutes.

19 we've seen in some of the exhibits, even
20 here during the depositions, that some of the

21 Doris Ullman Final 8-15-14dfu(10).txt
older minutes were things that people said were
22 unintelligible because they weren't corrected
23 properly. That's basically what the mayor's
24 job and my job is.
25 Q Malverne writes that she, I think

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1 D. Ulman - 8/15/14
2 referring to you, was not happy with what Herb
3 had condensed the minutes down to.
4 Could you explain that, please?
5 MR. PELOSO: Of course the privileged
6 issue, you know.
7 THE WITNESS: Yeah.
8 A I think the -- he had deleted -- he had
9 condensed the minutes into a very short
10 statement of what actually happened and it was
11 a public hearing and we did have to reflect
12 what everybody said, and even though we were
13 not on -- much of the discussion was not on
14 point of the public hearing, and what he did
15 was to take out a lot of comments that had
16 nothing to do with the local law that was under
17 consideration, but because the comments were
18 made, I felt they had to be in the minutes.
19 And that's what I was referring to. He had --
20 he had basically just removed things that were
21 extraneous to the public hearing.
22 Q Removed things that were extraneous?
23 A Comments.
24 Q You're talking about comments by speakers
25 at the meeting?

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1 D. Ulman - 8/15/14

2 A Yes, members of the public.

3 Q Members of the public.

4 And when you say "extraneous," what do you
5 mean by that?

6 A The public hearing January 22nd was
7 strictly for the purpose of obtaining public
8 comment on the proposed Local Law 1 of 2007,
9 which was the amendment to the dormitory law
10 and the -- I think -- to the definition section
11 I believe as well, and the majority of comments
12 at that meeting had nothing to do with that
13 local law, and it was the mayor's feeling that
14 since it had nothing to do with the local law,
15 it did not have to be -- those comments did not
16 have to be in the minutes.

17 Q And did you -- did you talk with the mayor
18 about getting those comments back into the
19 minutes?

20 A I did.

21 Q And what happened?

22 A They were placed back in.

23 Q So you were satisfied then, Ms. Ulman,
24 that the, I think you used the word delete
25 earlier, and I'll just stick with that word,

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1 D. Ulman - 8/15/14

2 that the deletions by the mayor were -- all
3 those public comments were reinserted back into
4 the record?

5 A I believe we did, yes.

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6 Q Now, that meeting room holds, I think, 49
7 people; is that right?
8 A I did check it, yes.
9 Q And --
10 A well, it's not that it holds.
11 Q That's the maximum occupancy?
12 A It's listed as the maximum occupancy.
13 Q Legal occupancy?
14 A Yes.
15 Q There were more than 49 people in that
16 room that night?
17 A I think so, yes.
18 Q Did anyone do a head count?
19 A No.
20 Q Was the room packed?
21 A Yes.
22 Q Now, the mayor had testified that he has
23 never seen such a meeting like that one on
24 1/22/07. What about you?
25 MR. PELOSO: You mean in terms of size or

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1 D. Ullman - 8/15/14
2 in terms of --
3 MR. STEPANOVICH: We'll start with size.
4 A I've seen larger meetings in other
5 villages. Not in Pomona.
6 Q Were you surprised by the comments from
7 the public during that meeting?
8 A I don't think I was surprised. I was
9 concerned.
10 Q Why?
11 A Why was I not surprised?

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12 Q Let's start there. Why were you not
13 surprised?

14 A Well, two weeks before this meeting, there
15 was an article in the Journal News about the
16 Tartikov project, which appeared to have been
17 a -- which had originated, according to the
18 newspaper article, on the Preserve Ramapo
19 website and was picked up by the Journal News,
20 and Jim Walsh then did an article verifying
21 what was on the Preserve Ramapo website, which
22 indicated that the property on Route 306 would
23 contain a thousand apartment units and 4,500
24 people, and the Rabbinical College. And so I
25 wasn't surprised at the big turnout because I

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1 D. Ulman - 8/15/14
2 knew that type of article would generate a lot
3 of public comment.

4 Unfortunately, the people who spoke, even
5 though the mayor cautioned them that the public
6 hearing had nothing to do with that property,
7 the majority of people who came out really
8 couldn't care less about the local law except
9 for the fact that, I guess, they thought the
10 dormitories were being incorporated into the
11 law to benefit the property owner on 306.

12 So the majority of the discussion was not
13 with reference to the local law but was in
14 opposition to the development as proposed or as
15 stated in Journal News. The timing was,
16 unfortunately, bad.

Doris Ullman Final 8-15-14dfu(10).txt
17 Q And as stated in the Journal News, as
18 you've indicated, which was an article
19 regarding the information disclosed by Preserve
20 Ramapo regarding the Rabbinical College
21 project; is that right?
22 A Well, the article referred to the Preserve
23 Ramapo website and then indicated that they had
24 done independent research and came up with the
25 same numbers.

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1 D. Ulman - 8/15/14
2 Q Preserve Ramapo had done independent
3 research?
4 A No. The Journal News had done independent
5 research. There was a quote there, as I
6 recall, from -- maybe not a quote but a
7 reference to someone at Saccardi & Schiff,
8 which appears to be the planner who released
9 the information that was picked up by the
10 website, by the Preserve Ramapo website and by
11 the Journal News because the Journal News
12 referred to a conversation that Jim Walsh had
13 had with her, I don't recall her name, and she
14 told him any additional information should be
15 obtained from Mr. Savad.
16 Q Did you do any research into the
17 information that was reflected on the Preserve
18 Ramapo e-mail?
19 A I did not see the Preserve Ramapo e-mail.
20 I saw the article in the Journal News which
21 referred to it. I did no independent research,
22 I just read the article.

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23 Q Do you know how Preserve Ramapo got that
24 information?

25 A No. According to the newspaper article,

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1 D. Ulman - 8/15/14

2 it was released by the planner. I don't know
3 how it was released or why Preserve Ramapo was
4 the first agency to get it, but it appears to
5 have been released by Saccardi & Schiff
6 according to the newspaper article. And I read
7 that article recently which is why it's fresh
8 in my mind.

9 Q Conceptual plans, if you can agree with me
10 for a moment on that term, a conceptual plan,
11 are conceptual plans normally released to local
12 fire departments, police departments in Pomona?

13 MR. PELOSO: Object to the form.

14 By whom?

15 Objection stands.

16 If you understand, fine.

17 A If let's say a developer comes in with a
18 conceptual plan for the one we had recently,
19 the House of Worship for the Zoroastrian
20 Temple, at the time it goes to the Planning
21 Board, that's why we require so many copies of
22 the plan, even though it may be just conceptual
23 and a narrative, the earlier you get comment
24 from the agencies, of course, the better.

25 So when it comes into the Village, we then

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1 D. Ulman - 8/15/14

2 Doris Ullman Final 8-15-14dfu(10).txt
3 send out a copy to the various agencies,
4 including the fire department, the ambulance
5 corps. I don't think she sent it to the police
6 department. But particularly with a site plan,
7 it's important for the fire department to be
8 able to get in and around all of the
9 structures.

10 So, yes, it is sent by the municipality
11 when an application, or even for a conceptual
12 plan, it's produced, it's submitted.

13 Q Are you aware of any -- is it -- are you
14 aware of any instances where a developer or a
15 land owner can send such a plan directly to the
16 agencies without going through the
17 municipality?

18 A Any property owner has a right to do
19 whatever that property owner wants to do. The
20 problem with it is he could be wasting his time
21 because if that conceptual plan is not in
22 compliance with what's required by the Village
23 or the Town, or if there are other problems
24 with it and he has to completely revise his
25 plan, which is quite expensive, it has to go
back for further review to the same agency. So

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1 D. Ullman - 8/15/14
2 it's wasteful.

3 Q On the part of the developer?

4 A Yes. But if he wants to do it, he
5 certainly has the right to do it.

6 (Whereupon, the aforementioned document
7 Bates stamped POM33403, was marked as

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8 Plaintiffs' Exhibit 809 for identification as
9 of this date by the reporter.)

10 BY MR. STEPANOVICH:

11 Q You've been handed 809, Ms. Ulman. If you
12 could take a look at that, I have a few
13 questions.

14 A (Witness views document.)

15 Q And so it looks like the minutes of the
16 January meeting were still in your "court" in
17 May of '07; is that right?

18 A Obviously, yes.

19 Q And do you recall when the minutes of the
20 January 22, 2007 meeting were approved?

21 A I don't.

22 Q And does this e-mail from Malverne to Nick
23 essentially reflect your testimony that you
24 gave a few minutes ago and sort of what
25 transpired with the minutes between you and the

55

1 D. Ulman - 8/15/14
2 mayor?

3 A Yes. I think this -- I hadn't remembered
4 that he cut out everything they said, but it
5 certainly reflects what I said.

6 Q And I'm not certain we've ever seen a
7 final set of minutes for that meeting, and I
8 may be mistaken.

9 As you sit here today, are you aware of
10 final minutes ever being approved for the
11 January 22, 2007 meeting?

12 A I think they were. When I was preparing

13 Doris Ullman Final 8-15-14dfu(10).txt
14 for the 30(b)(6) deposition, I did look at
15 minutes. I specifically looked at minutes from
16 January 22, 2007 to refresh my memory, and I
17 believe -- I believe there were final minutes.
18 I do not recall when they were adopted or if
19 they were adopted, I'm assuming they were, but
20 I don't recall exactly when or if.

21 Q Well, if you could review that.

22 MR. STEPANOVICH: John, I don't think
23 we've seen it. So we would like to have those
24 final adopted minutes, please.

25 (Whereupon, the aforementioned document
beginning with Bates stamp RC 1823, was marked

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1 D. Ulman - 8/15/14
2 as Plaintiffs' Exhibit 810 for identification
3 as of this date by the reporter.)

4 BY MR. STEPANOVICH:

5 Q You've been handed Plaintiffs' 810,
6 Ms. Ulman, and represent this appears to be a
7 news article from the Journal News. Feel free
8 to review it.

9 I'm just going to ask you one question,
10 and that is whether or not you were accurately
11 quoted in this newspaper article, and that's a
12 quote on the first page, four paragraphs up
13 from the bottom.

14 The quote, the article, there's just no
15 quotations marks so let me read it into the
16 record. It says: "But Village Attorney Doris
17 Ulman has said she disagreed with Savad's
18 interpretation of the law, saying that had the

Doris Ullman Final 8-15-14dfu(10).txt

19 village granted an exemption to one group, it
20 would have to do the same to every group in a
21 similar situation."

22 My question to you is: Is that an
23 accurate reflection of a statement that you
24 made for that article?

25 A (Witness views document.)

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1 D. Ulman - 8/15/14

2 I don't recall if it's an exact quote, and
3 it's not in quotations, but I probably would
4 have said that, yes. I think I did.

5 Q Okay. That's all I have on that.

6 Now, Ms. Ulman, did you receive an
7 invitation to the meeting sponsored by Tartikov
8 in May of '07?

9 MR. PELOSO: She personally or as village
10 counsel?

11 MR. STEPANOVICH: In any capacity.

12 Q Not as a representative of the Board. In
13 your own capacity individually or as village
14 attorney.

15 A I don't think so.

16 (Whereupon, the aforementioned document
17 beginning with Bates stamp POM0013260, was
18 marked as Plaintiffs' Exhibit 811 for
19 identification as of this date by the
20 reporter.)

21 BY MR. STEPANOVICH:

22 Q You have been handed Exhibit 811,
23 Ms. Ulman, and if you flip to the second page,

24 Doris Ullman Final 8-15-14dfu(10).txt
it appears to be a copy of an envelope.

25 Does that accurately reflect your name and

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1 D. Ulman - 8/15/14

2 address on that envelope?

3 A It does. It does.

4 Q The first page, can you identify the first
5 page?

6 A The first page looks like a card that
7 says: "Please join us for a discussion of
8 development plans for the Rabbinical College of
9 Tartikov in Pomona NY. Leaders of the College
10 will discuss school's mission and proposed
11 construction plans, as well as answer questions
12 from the community on Date: Monday, May 21,
13 2007. Time: 7:00 to 10:00 p.m. Place:
14 Comfort Inn Nanuet, 425 East Route 59, Nanuet,
15 NY 10954. Residents of Pomona Village are
16 invited to attend. For more information please
17 visit: www.Tartikovcollege.org."

18 Q Does that refresh your recollection that
19 you --

20 A No.

21 Q That you --

22 A No.

23 Q You don't recall?

24 A I don't recall receiving it, but I don't
25 deny that I probably did.

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1 D. Ulman - 8/15/14

2 Q And you chose not to attend this meeting?

3 A That's correct.

Doris Ullman Final 8-15-14dfu(10).txt

4 Q And why was that?

5 A Because the only place I discuss and want

6 to hear about Village projects are at Village

7 halls.

8 Q Did you discuss the fact that you were not

9 attending the meeting with any other Village

10 officials?

11 A I did.

12 Q And who was that with?

13 A The mayor and the Board of Trustees.

14 Q And they all -- could you tell me what

15 those discussions were about?

16 A I don't remember specifically.

17 MR. PELOSO: Those are privileged.

18 Q But those officials, did they express to

19 you that they were not going to attend this

20 meeting as well?

21 MR. PELOSO: Again, it's privileged

22 information.

23 MR. STEPANOVICH: She's asserting

24 privilege.

25 MR. PELOSO: No, I'm just saying to the

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1 D. Ullman - 8/15/14

2 extent you can answer the question without

3 revealing privileged information.

4 MR. STEPANOVICH: I agree. That's all I'm

5 asking for.

6 A I believe they did.

7 MR. STEPANOVICH: Could you read back my

8 question?

9 Doris Ullman Final 8-15-14dfu(10).txt
(Whereupon, the requested question was
10 read back by the Court Reporter.)
11 Q Did you discuss the fact that you were not
12 going to attend this meeting with any of your
13 friends, your neighbors?
14 A No.
15 (Whereupon, the aforementioned document
16 Bates stamped POM0008547, was marked as
17 Plaintiffs' Exhibit 812 for identification as
18 of this date by the reporter.)
19 BY MR. STEPANOVICH:
20 Q You've been handed, Ms. Ullman, Plaintiffs'
21 Exhibit 812, and I ask if you can identify
22 that, please.
23 A This is a flyer that was distributed, I
24 don't know to whom, by the Rockland Coalition
25 for the Future, which is a grassroots

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1 D. Ullman - 8/15/14
2 organization in Rockland County, sponsoring a
3 public forum at which I would be speaking about
4 RLUIPA, to be held Tuesday, May 1 at 7 p.m. at
5 the Suffern Free Library.
6 Q And did you speak at this forum on
7 May 1st?
8 A I did.
9 Q And were you the only speaker?
10 A Yes.
11 Q And do you know why the -- strike that.
12 I'm sorry.
13 what is the Rockland Coalition for the
14 Future?

Doris Ullman Final 8-15-14dfu(10).txt

15 MR. PELOSO: She indicated that, but you
16 can answer the question.

17 MR. STEPANOVICH: Okay.

18 A I don't know what their mission is
19 specifically. One of their leaders is a friend
20 of mine who also was a member of the Planning
21 Board of the Village of Chestnut Ridge and she
22 is the one who asked me to speak.

23 Q Who is that?

24 A A woman by the name of Myrna, M-Y-R-N-A,
25 Arin, A-R-I-N.

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1 D. Ulman - 8/15/14

2 Q And was there a good showing for this
3 meeting?

4 A Surprisingly, yes.

5 Q Now, how long did you speak; do you
6 remember?

7 A I spoke first and then there was a
8 question-and-answer period afterwards. My
9 recollection is it didn't end until the library
10 closed. So it was probably about two hours.

11 Q You know who Laura Kramer is, right?

12 A Yes.

13 Q And do you know that Laura Kramer was in
14 attendance at that meeting?

15 A At the time?

16 Q Do you know now?

17 A Now, yes.

18 Q And apparently by your answer you didn't
19 know that she was there at the time?

20 Doris Ullman Final 8-15-14dfu(10).txt
A That's correct.
21 Q During this seminar, did you tell the
22 residents that they should not "cave in to them
23 and sell our houses, period"?
24 A Not -- I don't remember the exact quote,
25 but that comment was made in response -- not to

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1 D. Ulman - 8/15/14
2 the residents. It was made in response to a
3 question from the floor by a woman in the
4 audience who said, in effect, that she has been
5 inundated with calls and people coming to her
6 door, real estate agents on a regular basis
7 asking her to sell her property. And her --
8 the question was since RLUIPA is so strong,
9 should I sell my property. And my answer to
10 her was don't cave in to those people who are
11 banging on your doors, to those real estate
12 agents who just want you to sell your property.
13 RLUIPA is not going to hurt you. Don't cave
14 in.

15 If I said that -- if I used those words,
16 it would have been don't cave in to those
17 people who are asking you to sell.

18 Q Those people that you are referring to,
19 did any of them bang on your door asking you to
20 sell?

21 A Of my house?

22 Q Uhm-uhm.

23 A In Pomona?

24 Q Uhm-uhm.

25 A I don't own my property.

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1 D. Ulman - 8/15/14

2 MR. STEPANOVICH: Maybe, John, we'll just
3 take five minutes and we don't have long.
4 We'll just kind of finalize our documents.
5 Does that sound okay?

6 MR. PELOSO: That's fine.

7 (Whereupon, a short recess was taken.)

8 MR. STEPANOVICH: Back on the record.

9 (Whereupon, the aforementioned Second
10 Amended Complaint, was marked as Plaintiffs'
11 Exhibit 813 for identification as of this date
12 by the reporter.)

13 (Whereupon, the aforementioned Answer to
14 Second Amended Complaint, was marked as
15 Plaintiffs' Exhibit 814 for identification as
16 of this date by the reporter.)

17 BY MR. STEPANOVICH:

18 Q You've been handed, Ms. Ulman,
19 Exhibits 813 and 814. And I just have a
20 question regarding one allegation in the
21 Complaint and the Answer. That's
22 Paragraph 151. The Paragraph 151 has denied
23 the allegation of the Complaint. I'll let you
24 get to it. Page 33.

25 The Allegation 151 reads, "Upon

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1 D. Ulman - 8/15/14

2 information and belief, Pomona Village attorney
3 Doris Ulman volunteers her time to the
4 Ladentown incorporation effort."

Doris Ullman Final 8-15-14dfu(10).txt

5 The answer reads, at 151, "Defendants deny
6 the allegations contained in 151, Paragraph 151
7 of the Complaint," and so is -- is the
8 allegation contained in 151 accurate?

9 A Yes.

10 Q That's all I have on that.

11 A I beg your pardon. The Answer? The
12 allegation?

13 Q Yes.

14 MR. PELOSO: The question was the
15 allegation.

16 A No. No. So the allegation --

17 Q So the allegation is not --

18 A I have never volunteered my time for the
19 Ladentown incorporation effort. I handled an
20 appeal for them at one specific point in time.
21 I was never involved with anything else with
22 respect to the -- that's why that was denied,
23 because it was too broad.

24 Q Okay.

25 A I was not denying that I did the appeal.

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1 D. Ulman - 8/15/14

2 I was denying that I was involved in any
3 portion of the petition and incorporation
4 effort up until the appeal.

5 Q Okay.

6 So I think -- so the record is accurate.
7 Let me see if I can, quote, characterize your
8 testimony, just so we're on the same page.

9 Is it your testimony that you, in fact,
10 volunteered legal work for the Ladentown

Doris Ullman Final 8-15-14dfu(10).txt

11 incorporation appeal?

12 A Yes.

13 Q You agree with that statement?

14 A Yes, I do.

15 (Whereupon, the aforementioned document
16 beginning with Bates stamp RC 1746, was marked
17 as Plaintiffs' Exhibit 815 for identification
18 as of this date by the reporter.)

19 BY MR. STEPANOVICH:

20 Q You've been handed Plaintiffs' 815,
21 Ms. Ullman, and fifth paragraph down reads,
22 "Village attorney Doris Ullman said the complain
23 is 'full of innuendo undocumented statements,
24 misstatements and lies.'"

25 Do you see that?

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1 D. Ullman - 8/15/14

2 A I do.

3 Q Could you explain to me the basis of that
4 statement?

5 A The allegations in the Complaint regarding
6 discrimination and animus against any religious
7 group, which prevails throughout the whole
8 document, without -- and statements in there
9 that are undocumented and not attributed to any
10 person which attempt to by innuendo apply to
11 things said, perhaps by officials of the
12 village, which are untrue, misstatements and
13 lies, such as the one we just discussed, where
14 Ms. Kramer in her affidavit suggested, by
15 innuendo, that I said something that I did not

16 Doris Ullman Final 8-15-14dfu(10).txt
say.

17 Similarly Rabbi Framowitz in his affidavit
18 suggested, by innuendo, that I said something I
19 did not say, taken out of context, as was the
20 Kramer affidavit.

21 Those are the kind of things I'm referring
22 to.

23 Q What was it in Rabbi Framowitz's affidavit
24 that you're referring to?

25 A Rabbi Framowitz stated in his affidavit

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1 D. Ulman - 8/15/14
2 that I had said that if he withdrew the site
3 plan application for the Yeshiva, he would get
4 a tax exemption, the Yeshiva Spring Valley
5 would get a tax exemption, and that's about as
6 far from the truth.

7 And further which was, I felt, very
8 insulting, that I had told him to remove
9 village files. That's a crime. That is a lie
10 and a misstatement. For me to even -- for me
11 to even suggest something like that, I should
12 be disbarred.

13 Q Anything else, Ms. Ulman?

14 A I believe I was referring to, you know,
15 many of the -- and I have not gone through
16 every single allegation in here -- but there
17 are many, many allegations in the Complaint
18 that were full of innuendo and undocumented
19 statements and misstatements, yes. It's
20 permeated with it.

21 (Whereupon, the aforementioned letter
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22 dated March 28, 2007, was marked as Plaintiffs'
23 Exhibit 816 for identification as of this date
24 by the reporter.)
25

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1 D. Ulman - 8/15/14

2 BY MR. STEPANOVICH:

3 Q You've been handed now, Ms. Ulman,
4 Plaintiffs' 816. My question is, did you
5 receive this letter from Mr. Savad?

6 A (Witness views document.)

7 Yes, I did.

8 Q Okay. That's all I have.

9 Does the village of South Nyack's Zoning
10 Code prohibit family housing?

11 A The Village of South Nyack is a very
12 densely-populated village. It's an old village
13 and as many -- as is true of many of the older
14 villages, such a Nyack, such as Haverstraw, the
15 village of Haverstraw, West Haverstraw and so
16 on. They are hubs. They are places of high
17 density housing and commercial uses. So the
18 zoning would permit -- they have multi-family
19 housing zones. They have two-family housing
20 zones, single-family housing zones. It's a
21 mixture.

22 Q So Nyack College has family housing on its
23 campus, correct?

24 A It does. And off campus. They own a lot
25 of property that's not specifically on the

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Doris Ullman Final 8-15-14dfu(10).txt
D. Ulman - 8/15/14

- 1
2 college campus.
- 3 Q Is it bordered by single family
4 residential districts at all?
- 5 A I don't recall. I really don't recall
6 what it's bordered by.
- 7 Q Are you aware of any negative land use
8 impacts caused specifically by the family
9 housing at Nyack College?
- 10 A There were impacts from -- caused by some
11 of the housing in that area, yes.
- 12 Q And what kind of impacts?
- 13 A That is a very steep slope area. We used
14 to get some drainage problems up there. There
15 was some overcrowding of some of the buildings.
16 I don't remember specifics but I do recall at
17 one point we considered limiting some of the
18 construction up there because of the sensitive
19 nature of the property.
- 20 Q Anything else?
- 21 A No.
- 22 Q So the steep slope area, does the village
23 of South Nyack have a steep slope law?
- 24 A I believe they do.
- 25 Q And so the construction of the family

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- 1 D. Ulman - 8/15/14
- 2 housing units at Nyack College, they comply
3 with steep slopes?
- 4 A The college and most of its housing has
5 been there for a very long time, I would say
6 probably 30, 50 years. So I don't know if they

Doris Ullman Final 8-15-14dfu(10).txt

7 comply with code zoning.
8 Q But, I mean, you are not aware of any
9 issues regarding the family housing at Nyack
10 College --
11 A No.
12 Q -- are you?
13 A No.
14 Q You indicated that there was some
15 overcrowding of buildings. Are you talking
16 about the family housing buildings?
17 A That's my recollection.
18 Q And how was that addressed?
19 A Through code enforcement.
20 Q And I think the final thing you indicated
21 was there was some discussions about limiting
22 concentration.
23 Did I get that right?
24 A Limiting some of the construction.
25 Q Construction. Okay.

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1 D. Ulman - 8/15/14
2 And was there a law passed in that regard?
3 A I believe it was during an application
4 they had to the Planning Board, and I think it
5 was dealt with at the Planning Board.
6 Q I did make a note here. I think you
7 mentioned that there was something regarding a
8 sensitivity issue.
9 A Because the sensitivity of the land.
10 Q I see.
11 Is that part of the steep slope issue?

Doris Ullman Final 8-15-14dfu(10).txt

12 A That's part of the steep slope issue, yes.
13 Q Any other issue relating to the
14 sensitivity of the land besides the steep
15 slopes?
16 A One of the reasons that the steep slope
17 issue was a problem with Nyack College, or
18 there was some problems related to it, below
19 the college is another very steep slope on
20 which exists houses. They are built into the
21 mountain. And so we always had some problems
22 with runoff and drainage from the college,
23 because it was there -- into this wooded area
24 of single family homes. So, you know, but you
25 deal with them.

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1 D. Ullman - 8/15/14
2 Q And the Village did deal with those
3 issues, correct?
4 A Yes.
5 Q What jurisdictions are you aware of that
6 explicitly prohibit housekeeping facilities and
7 kitchens in housing for educational
8 institutions?
9 MR. PELOSO: Object to the form.
10 A You mean those that permit dormitories,
11 because --
12 Q Yes.
13 A -- some of them do not permit dormitories
14 at all.
15 Q Yes. Those jurisdictions that permit
16 dormitories but prohibit housekeeping
17 facilities and kitchens?

Doris Ullman Final 8-15-14dfu(10).txt

18 A The Town of Ramapo, the Village of
19 Chestnut Ridge. I had done some research on it
20 some time ago. There were a couple of other
21 municipalities, not county. I believe
22 Orangetown. I'm not sure.

23 Let me not guess. I don't recall the
24 other municipalities.

25 Q Those at Chestnut Ridge, were you involved

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1 D. Ulman - 8/15/14
2 in -- in your role as Village attorney,
3 Chestnut Ridge, were you involved in that
4 legislation?
5 A As I said, that was part of -- I was part
6 of the committee that put together the first
7 zoning law, and that particular provision was
8 taken right from the Town of Ramapo. A good
9 portion of Chestnut Ridge's zoning law was
10 taken from the Town of Ramapo, with some
11 adjustments for what they wanted to do for the
12 policies in the new Village of Chestnut Ridge.
13 But that particular provision was taken
14 right -- taken right from Ramapo.

15 Q What jurisdictions are you aware of that
16 limit dormitory space to 20 percent or less?

17 MR. PELOSO: Object to the form.

18 A I think I said in my response I'm not
19 aware of any. I don't know.

20 Q What jurisdictions are you aware of that
21 limit educational institutions only to
22 accredited educational institutions throughout

23 Doris Ullman Final 8-15-14dfu(10).txt
their jurisdiction?

24 MR. PELOSO: Object to the form.

25 A Several.

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1 D. Ulman - 8/15/14

2 Q who would that be?

3 A You know, again, the research I did on
4 this was some time ago. I don't recall which
5 municipalities they were.

6 Q What jurisdictions are you aware of that
7 use a taking standard for wetlands permits?

8 MR. PELOSO: I'll object to the form.

9 A Specifically as a taking standard?

10 Q Yes.

11 A I'm not aware of any.

12 MR. STEPANOVICH: I think that's it.

13 Donna, is that it?

14 MS. SOBEL: : Roman?

15 MR. STEPANOVICH: You know, give us --
16 we'll walk out of the room. Give us two
17 minutes just to make sure that's it and we'll
18 come back.

19 Roman, we're just going to hang up on you
20 here and we'll call you back.

21 (Whereupon, a short recess was taken.)

22 MR. STEPANOVICH: Back on the record.

23 That concludes our questioning.

24 MR. PELOSO: I do not have any questions.

25 MR. STEPANOVICH: Thank you.

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1 D. Ulman - 8/15/14

2 THE WITNESS: Thank you.
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3 MR. STEPANOVICH: Thank you, Doris.
4 (Whereupon, at 12:24 p.m., the Examination
5 of this witness was concluded.)
6

7 _____
8 DORIS F. ULMAN
9

10 subscribed and sworn to before me
11 this ____ day of _____, 2014.
12

13 _____
14 NOTARY PUBLIC
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2	I N D E X	
3	WITNESS	PAGE
4	DORIS F. ULMAN	
5	EXAMINATION BY	
6	MR. STEPANOVICH	3
7		

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9 PRODUCTION REQUESTS PAGE/LINE
10 Final adopted minutes from the 55/24
11 January 22, 2007 meeting

12 E X H I B I T S
13 PLAINTIFFS' DESCRIPTION PAGE
14 Ex 802 Document beginning with 19
15 Bates stamp POM0031222
16 Ex 803 Document beginning with 26
17 Bates stamp POM0010567
18 Ex 804 Document beginning with 33
19 Bates stamp POM0010510
20 Ex 805 Document beginning with 34
21 Bates stamp POM0008453
22 Ex 806 Document Bates stamped 35
23 POM17162
24 Ex 807 Document entitled 38
25 "Village of Pomona
Audio Tapes: 1 of 4"
Ex 808 Document Bates stamped 42
POM17039
Ex 809 Document Bates stamped 54
POM33403

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1
2 PLAINTIFFS' DESCRIPTION PAGE
3 Ex 810 Document beginning with 56
4 Bates stamp RC 1823
5 Ex 811 Document beginning with 57
6 Bates stamp POM0013260
7 Ex 812 Document Bates stamped 60
8 POM0008547
9 Ex 813 Second Amended 64
10 Complaint
11 Ex 814 Answer to Second 64
12 Amended Complaint
Ex 815 Document beginning with 66
Bates stamp RC 1746
Ex 816 Letter dated 68
March 28, 2007
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C E R T I F I C A T I O N

STATE OF NEW YORK)

: SS.:

COUNTY OF NEW YORK)

I, CHANDRA D. BROWN, a Notary Public for
and within the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such
examination is a true record of the testimony given
by that witness.

I further certify that I am not related to
any of the parties to this action by blood or by
marriage and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand the 5th day of September, 2014.

Doris Ullman Final 8-15-14dfu(10).txt

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CHANDRA D. BROWN, RPR, CLR